

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Plourde, Jr.

Serial No.: 10/005,628

Filed: December 5, 2001

Confirmation No.: 8250

Group Art Unit: 2182

Examiner: Peyton, Tammara R.

Docket No.: A-7446 (191920-1130)

For: Disk Driver Cluster Management of Time Shift Buffer with File Allocation Table Structure

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made statements in the Statement of Reasons for Allowance that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to ensure proper interpretation of the claims and history.

While Applicant agrees with the Examiner that the stated reasons for allowance of the claims are indeed valid grounds for allowance, Applicant wishes to clarify for the record that the stated reasons may be viewed as an oversimplification of the issues. Along these lines, first, Applicant does *not* admit that the stated reasons for allowance are the only reasons for allowance, and Applicant contends that the allowance and scope of these claims are in fact *not* limited to the Examiner's stated reasons for allowance. Second, each allowed claim has a different combination of elements, which distinguish each claim from the references of record, and consequently, each claim should be analyzed separately for infringement and validity. 35 U.S.C. 288. In other

words, all of the claims do not stand or fall together, especially and particularly based upon the stated reasons for allowance.


If the Examiner disagrees with any of Applicant's comments herein, Applicant respectfully requests that the Examiner further clarify the record. Otherwise, it should be assumed that the above discussion is an accurate characterization of the file history and interpretation of the claims.

Respectfully submitted:

SEND CORRESPONDENCE TO:

Scientific-Atlanta, Inc.
Intellectual Property Dept. MS 4.3.518
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

By:



WM. BROOK LAFERTY
Attorney of Record
Reg. No.: 39,259
Phone: (770) 236-2114
Fax No.: (770) 236-4806

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	HAROLD J. PLOURDE, JR.	ART GROUP:	2182
APPL. NO.:	10/005,628	EXAMINER:	PEYTON, TAMMARA R.
FILED:	DECEMBER 5, 2001	DOCKET NO.:	A-7446
TITLE:	DISK DRIVER CLUSTER MANAGEMENT OF TIME SHIFT BUFFER WITH FILE ALLOCATION TABLE STRUCTURE		

January 17, 2007

REQUEST TO APPLY PREVIOUSLY PAID ISSUE FEE

Mail Stop Issue Fee
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please note that the Issue Fee which is due January 19, 2007 was previously paid on May 5, 2006. In a Decision on Petition mailed June 14, 2006, the Patent Office advised that the Issue Fee paid on May 5, 2006 cannot be refunded. A copy of the Decision is attached hereto. It is requested that this amount be applied towards the Issue Fee required by the new Notice of Allowance. A copy of the Monthly Statement of Deposit Account with amount noted is also attached, as well as the Issue Fee Transmittal.

Respectfully submitted:

SEND CORRESPONDENCE TO:

Scientific-Atlanta, Inc.
Intellectual Property Dept. MS 4.3.518
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

By: 

WM. BROOK LAFFERTY
Attorney of Record
Reg. No.: 39,259
Phone: (770) 236-2114
Fax No.: (770) 236-4806



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A-7446

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Harold J. Plourde Jr.
Application No. 10/005,628
Filed: December 5, 2001
Attorney Docket No. A-7446

This is a decision on the petition filed, June 6, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 5, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2182 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Account No.	190761
Date	5-31-06
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DATE POSTED MO, DAY, YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
5 1 06	33	E-REPLENISHMENT		9203	-49082.00	68744.00
5 5 06	1146	10005628		A-7446 1501	1400.00	67344.00
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5 8 06	62	PCT/US06/16112		F-9159-PC 1704	1925.00	64689.00
5 8 06	63	PCT/US06/16112		F-9159-PC 1701	1008.00	63681.00
5 8 06	64	PCT/US06/16112		F-9159-PC 8007	20.00	63661.00
5 8 06	65	PCT/US06/16112		F-9159-PC 8021	40.00	63621.00
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE



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MO. DAY YR.						
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5 19 06	245	PCT/US06/18249	F-10228-PC	1601	300.00	48508.00
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5 22 06	24	11405205		8021	40.00	45515.00
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5 26 06	170	PCT/US06/19181	F-10453-PC	1701	1008.00	40242.00
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5 26 06	172	PCT/US06/19181	F-10453-PC	8007	20.00	39982.00
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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